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UNCLAS SECTION 01 OF 02 STATE 169370

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E.O. 12958: N/A

TAGS: OSCE PREL HR

SUBJECT: OSCE PERMANENT COUNCIL: REPLACEMENT OF CROATIA MISSION WITH OFFICE IN ZAGREB

11. Post is authorized to join consensus on a permanent council decision, substantively in line with the text at paragraph 2, to close the Croatia Mission and replace it with an office with a limited mandate acceptable to the Government of Croatia. Post should seek deletion of the third paragraph which begins "Noting the latest Status Report..." as an overly-positive assessment of Croatia's progress on refugee returns. However, if deletion of this paragraph would break consensus on the decision, Post is authorized to join consensus on the text as it stands.

12. Begin text of decision:

The Permanent Council,

Recalling Permanent Council Decisions Nos.112 dated 18 April 1996 on the establishment of the OSCE Mission to Croatia, and 176 dated 26 June 1997 on its expansion and reinforcement, and Nos. 271 dated 19 November 1998, 327 dated 9 December 1999, 345 dated 23 March 2000, 396 dated 14 December 2000, 455 dated 21 December 2001, 514 dated 12 December 2002, 578 dated 18 December 2003, 644 dated 16 December 2004, 695 dated 17 November 2005, and 748 dated 23 November 2006 on the progressive downsizing of the Mission;

Noting the positive resolution of remaining outstanding issues in the field of Rule of Law such as the increased State funding to the Constitutional Court and Ombudsman, as well as the continuous implementation of the minority employment guarantees of the Constitutional Law on National Minorities;

Noting the latest Status Report (No.18/ ref no. FR/0017/07 ) of the OSCE Mission to Croatia outlining the progress achieved in the field of refugee return and integration, in particular on the agreed benchmarks related to the implementation of the housing care programmes for former Occupancy and Tenancy Rights holders;

Decides to close the OSCE Mission to Croatia and to establish an Office in Zagreb.

The Office in Zagreb is primarily tasked to monitor the proceedings related to cases referred to Croatia pursuant to Rule 11 bis of the ICTY's Rules of Procedure and Evidence on behalf of the OSCE as well as on behalf of the Prosecutor of ICTY, in line with the PC Decision no. 673 dated 19 May 2005. The Office will also monitor, as part of the national proceedings followed, all other cases involving ICTY transfers including so-called &Category II8 cases as well as all domestic war crimes proceedings initiated at the local level. The Office will also report on residual aspects of the implementation of the housing care program in Croatia.

In carrying out its tasks the Office will closely work with government offices and non-governmental bodies and offices as appropriate.

The Office will facilitate contacts, co-ordinate activities and promote information exchange with the Chairman-in-Office, Secretariat and OSCE Institutions. It will also co-operate

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with international, regional and between international and regional partners;

The OSCE Office in Zagreb will report to the Permanent Council on a regular basis on the implementation of the mandate and the activities of the Office.

In its reporting the confidentiality of the proceedings and the protection of victims and witnesses, as foreseen by the ICTY Statute and its &Rules of Procedure and Evidence8, as well as the respective rules of the Croatian Courts shall be fully respected.

The Office will be located in Zagreb. It will be led by a Head of Office assisted by an adequate number of international members supported by national staff to implement the above mentioned tasks in an appropriate way. The Head of Office has the authority to assign staff as she/he deems necessary to most effectively support Croatia in the completion of tasks under the mandate.

The Permanent Council tasks the Secretary General to present by 31 December 2007 a revised 2008 Unified Budget proposal to reflect the financial implications of the establishment of the Office in Zagreb. Pending adoption of a decision on this issue, the OSCE Office in Zagreb is authorized to use

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appropriate resources not to exceed the resources foreseen for the former Mission to Croatia in the 2008 Unified Budget proposal (PC.AC MF/61/07 of 1 October 2007).

The duration of the Office will be until 31 December 2008. Extensions and possible changes of its mandate will be subject to new decisions of the Permanent Council.

The rights and obligations established with the OSCE Mission to Croatia will be continued with the OSCE Office in Zagreb. The rights and obligations of the Mission will therefore be transferred to the Office to the extent covered by the mandate.

A Memorandum of Understanding regarding the modalities of the OSCE Office in Zagreb will be signed between the Government of Croatia and the OSCE Secretary General or his duly authorized representative. Until this Memorandum of Understanding enters into force, the present Memorandum of Understanding concluded between the OSCE and the Government of the Republic of Croatia on 29 August 1996 and its agreed amendments will remain in effect and applied to the Office.

End text of Decision.

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